THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.12175 OF 2002

DATED: 20-12-2006

Between:

J. Sanjeeva Rao and another

.. Petitioners

and

The Government of Andhra Pradesh represented by its Principal Secretary, Irrigation Department and others

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

W.P.NO.12175 OF 2002

Order:

This writ petition is filed seeking a mandamus directing the respondents to take steps forthwith under A.P. Farmers' Management of Irrigation Systems Act 1997, for constituting Water Users Association with the ryots of the area of operation of Palaparru Lift Irrigation System by declaring the inaction on the part of the respondents in not constituting Water Users Association in spite of completing the construction work of Palaparru Lift Irrigation System, as arbitrary and illegal.

It appears, the petitioners are ayacutdars of Palaparru Lift Irrigation System. According to the petitioners, as required under the A.P. Farmers' Management of Irrigation Systems Act 1997 (for short 'the Act'), a Water Users Association must be formulated and elections as required under the law shall be conducted. However, in spite of completion of Palaparru Lift Irrigation System, no such association has been formulated as required under the law by giving notification by the District Collector and on the other hand, the official respondents are bent upon handing over the management of Palaparru Lift Irrigation System to the respondents 7 and 8-societies which are not formulated as required under the law.

A detailed counter-affidavit has been filed by the 7th respondent denying the allegations made against it. It is asserted that the 7th respondent is a society of all agriculturists who will be benefited by the Lift Irrigation System and it is a collective body having common interest. Unfortunately, the petitioners, who have nothing to do with the well being of ayacutdars and who are wholly interested in their subversive political activities, are creating hurdles in the smooth functioning of the scheme. All that the petitioners want is elections and politicizing the society. None of the legislations cited by the petitioners are actually applicable to the subject Lift Irrigation Scheme as the scheme has been formulated as per the policy of the 2nd respondent and is handed over to the collective body of all the ayacutdars, which is registered under the Societies Registration Act.

The learned counsel for the petitioners states that the 2nd respondent- State Irrigation Development Corporation has nothing to do with the formulation of any scheme etcetera. As soon as the Lift Irrigation System is completed as required under the Act, the Water Body has to be handed over to the duly elected body for its management. In this case, such an action was not taken.

While admitting the writ petition on 09-07-2002, this Court directed the respondents to maintain status quo existing as on that date until further orders. The same is subsisting till date.

In view of the above, without expressing any opinion on the merits of the case, the 3rd respondent is directed to consider this very writ petition as a representation filed by the petitioners and dispose of the same as per the provisions of the Act, if the same is applicable to the present Water Body, after giving notice to all the affected parties, within a period of eight weeks from the date of receipt of a copy of this order

and communicate the result to the petitioners.

With the above direction, the writ petition is disposed of. No order as to costs.

C.V. RAMULU, J

20-12-2006.

IBL